

REMARKS

Claims 1-24 are under consideration in the application. Claims 6-8 stand allowed. Claims 1-5 and 9-24 have been rejected. Claims 1 and 9-14 are currently amended. No new matter has been introduced. Claims 15-24 are cancelled without prejudice, waiver, or disclaimer. Reconsideration and further examination of the application is respectfully requested.

The invention relates to a method of using a JPEG engine to assist in efficiently constructing MPEG I-frames.

Rejection of claims 1-5 and 15-24 under 35 U.S.C. § 101:

Claims 1-5 and 15-24 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The examiner asserts that the claimed method does not produce a “useful, concrete and tangible result”, and is not “limited to a practical application within the technological arts”. Applicant believes that the unamended claims did in fact produce a “useful, concrete, and tangible result” “limited to a practical application within the technological arts”, namely MPEG data that forms a compressed version of the uncompressed digital image recited in the claim. However, in the interest of expediting allowance of these claims, some clarifying amendments have been made.

Claim 1 has been amended to include the recitation that the uncompressed digital image is an image of a scene. This change finds support in the specification at least at page 15 lines 16-17. This change clarifies that the claimed method operates on data that represents a physical object outside the computer or other device that performs the method.

Claim 1 has also been amended to include the step of constructing an MPEG I-frame comprising the MPEG data. This change finds support in the specification at least at page 15 lines 6-7, and directly recites a practical application in the technological arts, namely the construction of an MPEG I-frame. An MPEG I-frame is used in compressing digital video, for the practical purpose of conserving storage space.

Claim 1 is believed allowable. Claims 2-5 depend from claim 1 and add further limitations, and are therefore also believed allowable.

Claims 15-24 have been cancelled without prejudice, waiver or disclaimer, rendering their rejection moot.

Rejection of claims 9-14 under 35 U.S.C. § 112 and 35 U.S.C. § 101:

Claims 9-14 have been rejected under the second paragraph of 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner asserts that these claims "provide for use of [a] table, but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass."

Claims 9-14 have also been rejected under 35 U.S.C. § 101 "because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process..."

Claims 9-14 have been amended so that each now recites a computer readable medium storing a table. These amendments find support in the specification at least at page 16 line 2 and in Figure 1. These portions of the specification describe one kind of computer readable medium, namely computer memory.

Claims 9 and 11 have also been amended to clarify that each Huffman code is combined (rather than simply used) with a following bit pattern. This change finds support in the specification at least at page 21 lines 20-22.

Each of these claims as amended is an apparatus claim and not a method claim. Each of the stored tables is functional descriptive material useful, through the application of technology, in performing image compression. Applicant believes that each of claims 9-14 recites patentable subject matter under 35 U.S.C. § 101. (See MPEP 2106(IV)(B)(1) and *In re Warmerdam*, 31 USPQ2d 1754, 1759)

Applicant also believes that the claims as amended are definite under the second paragraph 35 U.S.C. § 112. The claims no longer recite a process, but claim a computer readable medium storing functional descriptive material. One of skill in the art, given a description of a data table stored on a computer readable medium, should have no difficulty determining whether the computer readable medium falls within the scope of these claims.

Applicant believes this application is in condition for allowance, and such action is earnestly solicited.

Respectfully submitted,

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